



KOBAYASHI SUGITA & GODA, LLP
Attorneys at Law

Bert T. Kobayashi, Jr.*	Kenneth M. Nakasone*	Of Counsel:
Alan M. Goda*	Harry Y. Oda	Kenneth Y. Sugita*
John R. Aube*	Gregory M. Sato*	Wendell H. Fuji*
Charles W. Gall*	Jesse W. Schiel*	Clifford K. Higa*
Neal T. Gota	Craig K. Shikuma*	Burt T. Lau*
Charles D. Hunter	Lex R. Smith*	Larry L. Myers*
Robert K. Ichikawa*	Joseph A. Stewart*	David Y. Suzuki*
Christopher T. Kobayashi*	Brian D. Tongg	Andrew M. Carmody
Jan M. L. Y. Kutsunai*	David B. Tongg*	Max A. Ching
David M. Louie*	Caycie K. G. Wong	Ying Gu
Nicholas R. Monlux	*A Law Corporation	Daniel K. Jacob
Jonathan S. Moore		Austin H. Jim On
Aaron R. Mun		Stephen G. K. Kaneshiro
Bruce A. Nakamura*		Travis Y. Kuwahara
		Ryan D. Louie
		Zachary K. Shikada
		Timothy T. Sylvester
		Reece Y. Tanaka

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Kevin Herring, Esq.
Ashford & Wriston
999 Bishop Street
Honolulu, Hawaii 96813

Re: DHHL Violation of Federal Law

Dear Kevin:

I don't know whether your client consulted you or not, but DHHL today sent a notice to all DHHL lessees urging them to switch from SIC to a different carrier.

Because Hawaiian Telcom did not even bid for the "last mile" infrastructure that connects individual lessees to the network, that infrastructure remains with SIC and is covered by 47 USC §251(f)(1) which exempts SIC from the interconnection requirements. The exemption prevents exactly what DHHL and Hawaiian Tel are trying to do: cherry pick the most profitable customers.

Rather than violating federal law, your client would do better to engage productively with SIC in trying to minimize disruption to each customer and resolve the parties' issues.

Very truly yours,

LEX R. SMITH

for

KOBAYASHI, SUGITA & GODA, LLP